

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1983 of 2020

1. Umashankar Goswami & Anr. S/o Ramayan Gir Goswami Aged About 23 Years
2. Chetan Gir Goswami S/o Mil Gir Goswami Aged About 20 Years

Both R/o Village Kadari, Post Beltara, P.S. Ratanpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Respondent

MCRC No. 1984 of 2020

- Shubham Verma S/o Jaypal Verma Aged About 21 Years R/o Village Kadari, P. S. Ratanpur, District Bilaspur Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Respondent

For Applicants	: Shri Nitansh Kumar Jaiswal & Shri Rohit Sharma, counsel for the respective parties.
For Respondent/State	: Srhi Dinesh Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

11/06/2020

As both these M.Cr.Cs. arise out of the same crime number,

they are being disposed of by this common order.

The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 476/2019 registered at police station Ratanpur, district Bilaspur (CG) for the offence punishable under Sections 366,376,506,323 and 34 IPC.

Case of the prosecution in brief is that the applicants, after administering some intoxicated substance mixed in food to the complainant, took her to Pune where the applicant Shubham forcibly committed rape on her.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is submitted that the applicant Shubham and the complainant were having love affair. It is further submitted that the charge sheet has been filed and the applicants are in jail since 23.11.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a

personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks' from today.

Sd/-

(Rajani Dubey)
Judge